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JOHN WELLS KING
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0040-113-83

November 7, 2000

Magalie Roman Salas, Secretary
Federal Communications Commission
The Portals II
445 12th St., S.W., Room TW-A325
Washington, DC 20554

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Re: MM Docket No. 00-137
RM-9917
Table of Allotments
Digital Television Broadcast Stations
Reno, Nevada

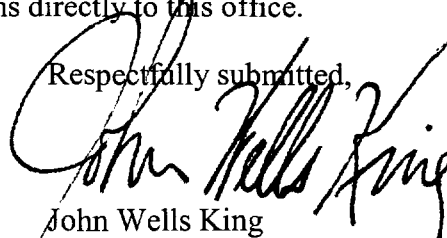
Subject: Request for Leave to File Response, And
Response of Stephens Group, Inc.
To Reply Comments of Sierra Broadcasting Company

Dear Ms. Salas:

On behalf of Stephens Group, Inc., licensee of Television Broadcast Station KOLO-TV, Reno, Nevada, I transmit herewith the original and four copies of its Request for Leave to File Response, and Response of Stephens Group, Inc., to Reply Comments of Sierra Broadcasting Company in the above-referenced proceeding.

Kindly communicate any questions directly to this office.

Respectfully submitted,


John Wells King

JWK:ab
Enclosure
cc: J. Dominic Monahan, Esquire

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Before The
Federal Communications Commission
Washington, D.C. 20554

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In The Matter Of)
)
Amendment of Section 73.622(b)) MM Docket No. 00-137
Table of Allotments,) RM-9917
Digital Television Broadcast Stations.)
(Reno, Nevada))

TO: The Chief, Mass Media Bureau

**Request for Leave to File Response, And
Response of Stephens Group, Inc.
To Reply Comments of Sierra Broadcasting Company**

By letter of transmittal dated October 24, 2000, Sierra Broadcasting Company ("Sierra"), licensee of Television Broadcast Station KRNV, NTSC Channel 4, Reno, Nevada, filed its Reply Comments to Comments and Counterproposal of Stephens Group, Inc. ("Reply"), in the above-captioned proceeding.

Stephens Group, Inc. ("Stephens"), licensee of Television Broadcast Station KOLO-TV, NTSC Channel 8, Reno, Nevada, hereby respectfully requests leave of the Commission to file a brief response to the Reply, and tenders the following Response.

Request for Leave to File Based on Mistake of Fact

The Sierra Reply opposes the counterproposal which Stephens advanced in this proceeding. In staking its position, however, the Reply contains misstatements based on

mistakes of fact. Stephens submits that its Response should be accepted in order to assure that the record developed in this proceeding is fair and accurate, and that the conclusions to be drawn by the questions presented herein are based on a fair and accurate record.

Stephens Proposed A Directional Operation for KRNV on DTV Channel 7

The counterproposal advanced by Stephens in this proceeding was based on Sierra's own proposal to operate KRNV with directional antenna facilities at Slide Mountain. Stephens used KRNV's directional antenna pattern to demonstrate that KRNV-DT could operate on DTV Channel 7. Although KOLO-TV demonstrated that an omnidirectional operation would work for a DTV Channel 9 operation from the KOLO-TV site and antenna height at Slide Mountain, that fact does not establish that an omnidirectional operation on DTV Channel 9 or DTV Channel 7 would work from the site and height proposed by KRNV. Sierra's conclusion to the contrary is not competently grounded and may not be relied upon. See the attached engineering statement of Dane E. Ericksen, of Hammett & Edison, Inc., Stephens' consulting engineer.

A D07/D13 Superturnstile Antenna is Entirely Feasible

Sierra implies that it requires DTV Channel 9 in order to share a superturnstile antenna with KTVN-DT, operating on DTV Channel 13. There is no reason, however, why a D07/D13 combination cannot be designed and manufactured to work just as well as a D09/D13 combination. Superturnstile antennas are by their very nature broadband. The technical aspects of the proposal would allow such a combination, not preclude it.

Both Dielectric and Andrew Corporation confirmed to Mr. Ericksen that a D07/D13 combination would be just as viable as a D09/D13 combination.

KRNV Inconsistencies Require Attention

Sierra proposed a directional operation for its requested DTV Channel 9 operation at Slide Mountain. The KTVN DTV Channel 13 application, however, proposes an omnidirectional operation. If in fact, Sierra and KTVN are planning to share the same antenna, it cannot be both omnidirectional and directional at the same time.

Moreover, the KTVN DTV application specifies a site 0.37 km different from the site specified by Sierra, as well as a different center of radiation for the antenna.

Conclusion

The allotment of DTV Channel 7 for use by KOLO-DT and DTV Channel 9 for use by KRVN is technically superior to the proposal advanced by Sierra. The Stephens counterproposal should be adopted.

Respectfully submitted,

STEPHENS GROUP, INC.

By


John Wells King
Its Attorney

GARVEY, SCHUBERT & BARER
1000 Potomac Street NW, Fifth Floor
Washington DC 20007

November 7, 2000

**Station KOLO-DT
as DTV Channel 9
Reno, Nevada**

**Engineering Exhibit
in Support of Response to
Reply Comments
to MM Docket 00-137**

November 6, 2000

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**Station KOLO-TV - as DTV Channel 9 - Reno, Nevada
Counter Proposal to MM Docket 00-137**

Statement of Hammett & Edison, Inc., Consulting Engineers

The firm of Hammett & Edison, Inc., Consulting Engineers, has been retained by Stephens Group, Inc., licensee of Station KOLO-TV, NTSC Channel 8, Reno, Nevada, to respond to the MM Docket 00-137 reply comments of Sierra Broadcasting Company.

Background

Sierra Broadcasting Company ("Sierra") petitioned to substitute DTV Channel 9 at Slide Mountain for its allocated DTV Channel 34 at Red Peak, 31 kilometers north of Slide Mountain. In response to that petition for rule making to amend the DTV Table of Allotments, the Commission released MM Docket 00-137, proposing to adopt the channel substitution suggested by Sierra.

In its comments to MM Docket 00-137, Stephens Group, Inc. ("Stephens") counter-proposed that DTV Channel 9 instead be assigned to KOLO-DT, Reno, Nevada. Although in the preliminary DTV Table of Allotments included in the August, 1996, Sixth Further Notice of Proposed Rulemaking KOLO-DT was assigned DTV Channel 9, in the December, 1998, final DTV Table of Allotments the Commission assigned DTV Channel 23 to KOLO-DT. The Stephens comments pointed out that if DTV Channel 9 is to be assigned to Reno, with a Slide Mountain transmitting location (the existing KOLO-TV site), it would be preferable that the channel be allotted to KOLO-DT because of the requirement to maintain a $5.082138 \text{ MHz} \pm 3 \text{ Hz}$ frequency offset between the pilot frequency of DTV Channel 9 and the KOLO-TV visual carrier. If both the NTSC Channel 8 and the DTV Channel 9 transmitters were collocated and under Stephens' control, a single frequency reference for both transmitters could be employed, therefore ensuring the necessary frequency offset. If, instead, DTV Channel 9 were to be assigned to Sierra, the frequency stability of the KOLO-TV transmitter would have to be upgraded from the $\pm 1,000 \text{ Hz}$ allowed by the FCC Rules to approximately $\pm 1 \text{ Hz}$, so as to ensure that the difference between an independently operating DTV Channel 9 (which would also need to maintain a frequency tolerance of approximately $\pm 1 \text{ Hz}$).

The Stephens counter-proposal demonstrated that DTV Channel 7 could also be used at the Slide Mountain, using the same directional antenna proposed by Sierra, and that omnidirectional operation on DTV Channel 9 from the KOLO-TV site at Slide Mountain would be possible without causing more than "*de minimus*" new interference to any other full-service NTSC or DTV station, CP, application, or allotment.



**Station KOLO-TV • as DTV Channel 9 • Reno, Nevada
Counter Proposal to MM Docket 00-137**

Response to Sierra's Reply Comments

In its reply comments, Sierra opposes the Stephens counter-proposal, on two grounds: first, that it would reimburse Stephens for all costs related to upgrading the frequency stability of the KOLO-TV transmitter to a ± 1 Hz tolerance, thereby supposedly making the estimated \$50,000 cost of such an upgrade moot. Second, that in order to share an antenna with Station KRNVT-DT, Channel 13, use of DTV Channel 9 was necessary. Sierra therefore proposed that Stephens receive DTV Channel 7, and that DTV Channel 9 be awarded to Sierra, but now as omnidirectional, which the Sierra reply comments claim the Stephens comments demonstrated was also possible.

Sierra is mistaken. The engineering exhibit prepared by the undersigned and attached to the Stephens comments only demonstrated that DTV Channel 9 as omnidirectional at 15.6 kW ERP from the KOLO-TV site at Slide Mountain (39° 18' 49" N, 119° 53' 00" W, NAD27) and using the KOLO-TV center of radiation height of 2,974 meters AMSL would not cause more than "*de minimus*" new interference to other full-service stations; this does not necessarily mean that omnidirectional operation at 16.8 kW ERP from the Slide Mountain site (39° 18' 57" N, 119° 53' 00" W, NAD27) and height (2,984 meters AMSL) proposed by Sierra would also work. Rather, the record in this proceeding only now shows that DTV Channel 9 or DTV Channel 7 from the Slide Mountain site and height proposed by Sierra using the substantially directional antenna proposed by Sierra would work. If Sierra now wishes to request omnidirectional operation, it needs to submit an OET-69 style interference study for its proposed site, height, and power at Slide Mountain based on omnidirectional, rather than directional, facilities.

Sierra's claim that only DTV Channel 9 will allow it to share an antenna with KTVN-DT is also mistaken. First, the proposed shared antenna is a Superturnstile antenna, and Superturnstile antennas, by their very nature, are broadband; indeed, this is one of the principal advantages of the design. I have contacted both Dielectric and Andrew Corporation, two major manufacturers of VHF highband Superturnstile antennas, and confirmed that a DTV Channel 7/DTV Channel 13 Superturnstile antenna would be just as viable as a DTV Channel 9/DTV Channel 13 combination. Second, Sierra's claim of planning to share an antenna with KTVN-DT is inconsistent with the KTVN-DT application for DTV Channel 13 at Slide Mountain, because the KTVN-DT application specifies a site 0.37 kilometers different from the site proposed by Sierra, specifies a different center-of-radiation height, and, most troubling of all, KTVN-DT proposed omnidirectional operation whereas the KRNVT-DT petition proposed a distinctly directional pattern. If KRNVT-DT was



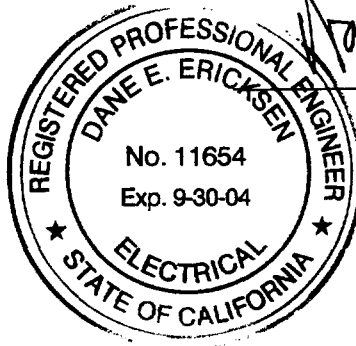
**Station KOLO-TV • as DTV Channel 9 • Reno, Nevada
Counter Proposal to MM Docket 00-137**


planning to diplex into the same antenna that KTVN-DT would be using, the two proposals both would have had to specify either omnidirectional operation or the same directional pattern.

Summary

Sierra's objection to the Stephen's counter-proposal is based on incorrect assumptions and is inconsistent with its prior filings and the KTVN-DT, DTV Channel 13, application for Slide Mountain. Assigning DTV Channel 9 to KOLO-DT and DTV Channel 7 to KRVN-DT is a technically superior proposal.

November 6, 2000




Dane E. Ericksen, P.E.



HAMMETT & EDISON, INC.
CONSULTING ENGINEERS
SAN FRANCISCO

Affidavit

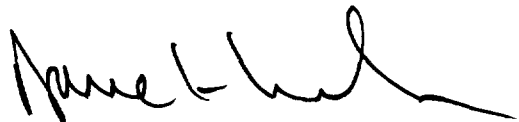
State of California

County of Sonoma

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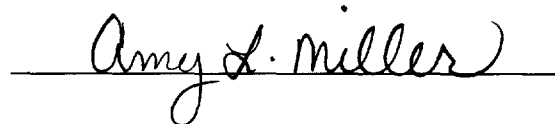
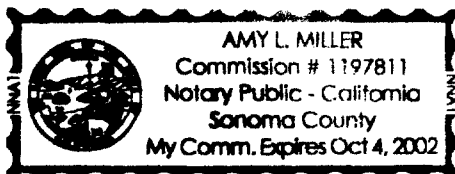
Dane E. Ericksen, being first duly sworn upon oath, deposes and says:

1. That he is a qualified Registered Professional Engineer, holds California Registration No. E-11654, which expires on September 30, 2004, and is employed by the firm of Hammett & Edison, Inc., Consulting Engineers, with offices located near the city of San Francisco, California,
2. That he graduated from California State University, Chico, in 1970, with a Bachelor of Science Degree in Electrical Engineering, was an employee of the Field Operations Bureau of the Federal Communications Commission from 1970 to 1982, with specialization in the areas of FM and television broadcast stations and cable television systems, and has been associated with the firm of Hammett & Edison, Inc., since October 1982,
3. That the firm of Hammett & Edison, Inc., Consulting Engineers, has been retained by Stephens Group, Inc., licensee of Station KOLO-TV, NTSC Channel 8, Reno, Nevada, to respond to the MM Docket 00-137 reply comments of Sierra Broadcasting Company,
4. That such engineering work has been carried out by him or under his direction and that the results thereof are attached hereto and form a part of this affidavit, and
5. That the foregoing statement and the report regarding the aforementioned engineering work are true and correct of his own knowledge except such statements made therein on information and belief and, as to such statements, he believes them to be true.



Dane E. Ericksen, P.E.

Subscribed and sworn to before me this 6th day of November, 2000



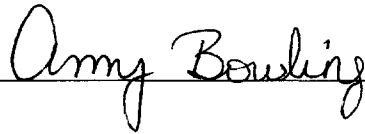
HAMMETT & EDISON, INC.
CONSULTING ENGINEERS
SAN FRANCISCO

001103
Affidavit

Certificate of Service

I, Amy Bowling, a secretary in the law offices of Garvey, Schubert & Barer, do hereby certify that I have on this 7th day of November, 2000, delivered a copy of the foregoing Comments and Counterproposal of Stephens Group, Inc., by prepaid First Class U.S. mail, to the following:

J. Dominic Monahan, Esquire
Luvaas, Cobb, Richards & Fraser, P.C.
777 High Street
Suite 300
Eugene OR 97401
(Counsel for Sierra Broadcasting Company)



A handwritten signature in cursive script, reading "Amy Bowling", is written over a horizontal line.

November 7, 2000